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| 10/539,238   | 04/10/2006  | Nercivan Kerimovska  | 9342-98                        | 9239                   |
| 20792 7590 05/25/2007<br>MYERS BIGEL SIBLEY & SAJOVEC<br>PO BOX 37428<br>RALEIGH, NC 27627 |             |                      | EXAMINER<br>JACKSON, JAKIEDA R |                        |
|  |             |                      | ART UNIT<br>2626               | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/539,238

Applicant(s)

KERIMOVSKA ET AL.

Examiner

Jakieda R. Jackson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-35,37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-35,37 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. In response to the Office Action mailed November 21, 2006, applicant submitted an amendment filed on February 23, 2006, in which the applicant traversed and requested reconsideration with respect to **claim 1**.

### *Response to Arguments*

2. Regarding claim 20 Applicant argues that Freeland discloses a system for generating an audio message over a wide-area communications network, such as the Internet or a PSTN. However, the present invention relates to a text-to-speech circuit that is **included** in a mobile phone so that a user of the mobile phone may benefit from the conversion of the displayed readable message into speech. Accordingly, nowhere does Freeland discloses or suggest “a display”, “a control unit”, and “a speech generating device” that converts displayed data into a speech signal in the **same apparatus**. Rather, as noted above, the personal computer that displays the data and the text-to-speech conversion unit in the server of Freeland are **remotely** located. Accordingly, Freeland fails to disclose or suggest a **single apparatus** including “a display”, “a control unit”, and “a speech generating device”, as recited by claim 20. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., same/single apparatus) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Besides, a system is an apparatus that is intended to be used together as a unified item although it has numerous components. Therefore, applicant's arguments are not persuasive.

Regarding claim 1, applicant argues that that Freeland does not teach an apparatus wherein the control unit is configured to send the extracted part of the displayed data to the speech generating device at a fixed and/or controllable rate based on user interaction with the display comprising scrolling and/or voice control input received from a user, as amended. However, Freeland teaches that the conversion can be performed at preparation time and/or for each user's request. That is, the data can be converted at a controllable rate. Therefore, Applicant's arguments are not persuasive.

Regarding claim 3, Applicant argues that Freeland does not disclose or suggest that the rate at which the displayed data is sent to the server is based in the interaction using the scroll bars. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the rate) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding dependent claims 2, 3 and 5, Applicant argues that Freeland fails to disclose or suggest sending the extracted part of the displayed data to the speech

generating device "a line or word at a time", as amended. Applicant arguments are persuasive, but are moot in view of new grounds of rejection.

Regarding claim 6, Applicant argues that Freeland does not disclose or suggest specifically sending displayed data to a speech unit responsive to input of letters, signs, spaces and/or punctuation marks. However, Freeland discloses inputting textual data (column 37, lines 4-8). Therefore, Applicants arguments are not persuasive.

Regarding claim 18, Applicant argues that Freeland does not disclose a speech generating device including a speech generating device that covers a front of an apparatus that displays the data. However, applicant arguments are not persuasive for the same reasons as set forth in claim 1 above.

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Europe on 12/16/02 and 5/22/03 and in the USA on 5/29/03. It is noted, however, that applicant has not filed a certified copy of the applications as required by 35 U.S.C. 119(b). A certified copy is requested

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 4, 6-7, 9-20, 23, 25-35, 37 and 39** are rejected under 35 U.S.C. 102(b) as being anticipated by Freeland et al. (WO 01/57851 A1), hereinafter referenced as Freeland.

Regarding **claim 1**, Freeland discloses an apparatus comprising:

a display configured to display various readable data (displays all ; column 21, lines 1-2); and

a control unit configured to extract at least a part of the displayed data and configured to send the extracted part of the displayed data to a speech generating device that is configured to generate speech from the extracted part of the displayed data (displays all of the supported words; column 21, lines 1-2),

wherein the speech generating device is attachable to the apparatus (column 19, lines 22-26), and wherein the control unit is configured to send the extracted part of the displayed data to the speech generating device at a fixed and/controllable rate based on user interaction with the display comprising scrolling and/or voice control input received from a user (column 42, lines 12-16 and column 49, lines 20-24 with column 34, lines 24-25).

Regarding **claims 4 and 23**, Freeland discloses an apparatus wherein displayed data includes text from menus, text messages (text messages; column 31, lines 26-31 with column 46, lines 27-30), help information, calendars and/or confirmation of actions taken with the apparatus (menu; column 27, lines 14-20).

Regarding **claims 6 and 25**, Freeland discloses an apparatus wherein the control unit is configured to send the displayed data responsive to input of definite characters including letters, signs, spaces and/or punctuation (inherent in textual input; column 37, lines 4-8).

Regarding **claims 7 and 26**, Freeland discloses an apparatus wherein the control unit is configured to extract the displayed data from a selected file and automatically send the displayed data to the speech generating device at a fixed and/or controllable rate (automatically download with regular intervals; column 42, lines 12-16 and column 49, lines 20-24 with column 25, lines 25-28).

Regarding **claims 9 and 28**, Freeland discloses an apparatus wherein the data is received as ASCII characters (standard English, such as Americanised English; column 22, lines 22-24 with column 28, lines 6-10).

Regarding **claims 10 and 29**, Freeland discloses an apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable languages (other languages can be used; column 22, lines 22-24).

Regarding **claims 11 and 30**, Freeland discloses an apparatus wherein the conversion circuit is configured to download languages via the connected apparatus (upload; column 24, lines 5-18 with column 17, lines 8-12).

Regarding **claims 12 and 31**, Freeland discloses an apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable voices (spoken voices; column 22, lines 22-29).

Regarding **claims 13 and 32**, Freeland discloses an apparatus wherein the conversion circuit is configured to download voices via the connected apparatus (downloading voices; column 40, lines 27-33).

Regarding **claims 14 and 33**, Freeland discloses an apparatus wherein the speech of the speech signal is adjustable (adjust the speed; column 27, lines 22-28).

Regarding **claims 15 and 34**, Freeland discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to a memory device containing language information including various languages, abbreviation list and/or dictionaries (dictionary-based; column 20, lines 20-23).

Regarding **claims 16 and 35**, Freeland discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to a memory device containing voice settings (voice samples; column 22, lines 22-29 with style of message; column 32, lines 1-20).

Regarding **claim 17**, Freeland discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to the apparatus via a system connector having an interface for audio signals (column 22, lines 5-14 with column 28, lines 19-34), serial channels, power leads and/or analog and digital grounds leads.

Regarding **claim 18**, Freeland discloses an apparatus wherein the speech generating device includes a functional cover, comprising a shell covering a front of the apparatus and a microprocessor cooperating with a processor of the apparatus (inherent in a mobile terminal; (press the send button) column 32, lines 5-20).



Regarding **claim 19**, Freeland discloses an apparatus wherein the apparatus comprises a portable telephone (mobile telephone terminal; column 31, line 26 – column 32, line 20), a pager, a communicator and/or an electronic organizer (column 33, lines 30-34 with column 34, lines 13-25).

Regarding **claims 20 and 37**, it is interpreted and rejected for the same reasons as set forth in the combination of claims 1 and 8.

Regarding **claim 27**, Freeland discloses an apparatus wherein the speaker system is integrated with the apparatus (speakers; column 17, lines 16-24).

Regarding **claim 39**, Freeland discloses a wireless communication device, comprising:

- a display configured to display various readable data (column 21, lines 1-2);

- a speaker (column 17, lines 16-24);

- a speech generating device including a conversion circuit therein configured to convert received data to a speech signal and provide the speech signal to the speaker (column 19, lines 22-26); and

- a control unit configured to extract at least a part of the displayed data and send the extracted part of the displayed data to the speech generating device (column 21, lines 1-2).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-3, 5, 21-22 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeland in view of Kuwabara (USPN 6,509,907).

Regarding **claims 2 and 21**, Freeland discloses an apparatus wherein the control unit is configured to automatically send said extracted part of the displayed data to the speech generating device at a fixed and/or controllable rate (automatically download with regular intervals; column 42, lines 12-16 and column 49, lines 20-24), but does not specifically teach displaying a line or word at a time.

Kuwabara discloses an apparatus displaying a line or word at a time at a fixed and/or controllable rate (column 1, line 16 – column 2, line 20 with column 3, line 56 – column 4, line 8), to enhance to overall display contrast during the scroll display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeland's apparatus wherein it displays a line or word at a time at a fixed and/or controllable rate, as taught by Kuwabara, to allow the user to read a long text message readily without having to make cumbersome control manipulations and enables the scroll display to be readably readable to the user

because the user is allowed to change the scroll display speed freely while simultaneously reading the character message on the display (column 5, lines 56-64).

Regarding **claims 3 and 22**, Freeland discloses an apparatus wherein the control unit is to send said extracted part of the displayed data to the speech generating device based on scrolling in the display (scroll bars; column 34, lines 24-25), but does not specifically teach displaying a line or word at a time.

Kuwabara discloses an apparatus displaying a line based on scrolling the display (column 1, line 16 – column 2, line 20 with column 3, line 56 – column 4, line 8), to enhance to overall display contrast during the scroll display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeland's apparatus wherein it displays a line or word at a time based on scrolling in the display, as taught by Kuwabara, to allow the user to read a long text message readily without having to make cumbersome control manipulations and enables the scroll display to be readably readable to the user because the user is allowed to change the scroll display speed freely while simultaneously reading the character message on the display (column 5, lines 56-64).

Regarding **claims 5 and 24**, Freeland discloses an apparatus wherein the control unit is configured to send said extracted part of the displayed data to the speech generating device based on inputting characters to the apparatus (character; column 20, lines 30-31 with column 31, lines 26-35), but does not specifically teach displaying a line or word at a time.

Kuwabara discloses an apparatus displaying a line or word at a time based on inputting characters to the apparatus (column 1, line 16 – column 2, line 20 with column 3, line 56 – column 4, line 8), to enhance to overall display contrast during the scroll display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeland's apparatus wherein it displays a line or word at a time at a fixed and/or controllable rate, as taught by Kuwabara, to allow the user to read a long text message readily without having to make cumbersome control manipulations and enables the scroll display to be readably readable to the user because the user is allowed to change the scroll display speed freely while simultaneously reading the character message on the display (column 5, lines 56-64).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Himmel et al. (PGPUB 2002/0186251) disclose a method, apparatus and computer program product for context-sensitive scrolling.
- Shizuka et al. (USPN 6,996,530) disclose an information processing apparatus, method, medium and program.
- Haley (PGPUB 2003/0009342) disclose a software that converts text-to-speech in any language and shows related multimedia.

- Martinez (PGPUB 2002/0118800) disclose a telecommunication system and methods therefor.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday, Tuesday and Thursday 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ  
May 21, 2007

  
**DAVID HUDSPETH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**